

United States of America,  Plaintiff  v.  Rafael Beltran,  Defendant	Case No.: 2:16-cr-0178-JAD-VCF  <b>Order Denying Motion</b>  [ECF No. 36]
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After pleading guilty to Conspiracy to Distribute a Controlled Substance and Possession with Intent to Distribute a Controlled Substance, Rafael Beltran was sentenced, and judgment was entered against him on April 4, 2017.<sup>1</sup> He now moves the court to “order Mr. Beltran to be enrolled, and complete, RDAP or CODAP”—drug-abuse programs offered by the Bureau of Prisons (BOP)—“while incarcerated at FCI Terminal Island.”<sup>2</sup>

But district courts lack the power to order the BOP to enroll an inmate in a program.<sup>3</sup> At best, a sentencing court can make a recommendation to the BOP in the judgment, but Beltran's judgment was entered nearly a full year ago, and the court's limited window to amend it has closed. Although Beltran was sentenced by this court, he is now a prisoner in the custody of the BOP, and the BOP, not the district court, has the exclusive responsibility and power to administer his sentence and decide which programs he may take advantage of.

<sup>1</sup> ECF No. 35.

<sup>2</sup> ECF No. 36.

<sup>3</sup> *U.S. v. Williams*, 65 F.3d 301, 307 (2d Cir. 1995) (citing 18 U.S.C. § 3621(b)) (“[A] sentencing court has no authority to order that a convicted defendant be confined to a particular facility, much less placed in a particular treatment program; those decisions are within the sole discretion of the Bureau of Prisons.”).

1           Accordingly, IT IS HEREBY ORDERED that Beltran's Motion for Court to Order  
2 RDAP or CODAP [ECF No. 36] is **DENIED**.

3           Dated this 7th day of March, 2018.

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6 U.S. District Judge Jennifer A. Dorsey  
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